

## COASTAL CONSERVANCY

Staff Recommendation  
June 5, 2008

### **SAN FRANCISCO BAY TRAIL: OAKLAND ESTUARY SEGMENTS CONSTRUCTION (CRYER BOATHOUSE AND DERBY AVE-TO-LANCASTER ST SEGMENTS)**

File No. 07-063-04  
Project Manager: Moira McEnespy

**RECOMMENDED ACTION:** Authorization for the Association of Bay Area Governments (ABAG) to disburse up to four hundred thousand dollars of previously-authorized Conservancy funds to the City of Oakland to construct two segments of the San Francisco Bay Trail along the Oakland estuary.

**LOCATION:** Adjacent to the Cryer Boathouse, and from Derby Avenue to Lancaster Street, along the Oakland estuary, Alameda County (see Exhibits 1-4)

**PROGRAM CATEGORY:** San Francisco Bay Area Conservancy

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#### **EXHIBITS**

- Exhibit 1: [Project Location Map](#)
  - Exhibit 2: [Project Vicinity Map](#)
  - Exhibit 3: [Project Site Maps \(2\) – Cryer Boathouse Segment](#)
  - Exhibit 4: [Project Site Maps \(2\) – Derby Avenue to Lancaster Street Segment](#)
  - Exhibit 5: [Letters of Support](#)
  - Exhibit 6: [Environmental Impact Report for City of Oakland Measure DD Implementation Project \(Certified February 13, 2008\)](#)
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#### **RESOLUTION AND FINDINGS:**

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31160-31165 of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes the Association of Bay Area Governments (ABAG) to disburse an amount not to exceed \$400,000 (four hundred thousand dollars) of the total Conservancy funds authorized on September 20, 2007 to the City of Oakland to construct two approximately 450-foot segments of the San Francisco Bay Trail along the Oakland estuary in Alameda County (the Cryer Boathouse segment and the Derby Avenue to Lancaster Street segment), subject to the following conditions:

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1. Prior to the disbursement of funds, ABAG shall submit for the review and approval of the Executive Officer of the Conservancy a final work program, schedule and budget, and a grant agreement between ABAG and the City of Oakland.
2. ABAG shall ensure installation of signs identifying the trail segments and acknowledging the Conservancy and displaying its logo in a manner approved by the Executive Officer.
3. In carrying out the project, ABAG shall ensure compliance by the City of Oakland with all project actions, components and mitigation measures that are identified as needed to reduce or avoid significant environment effects in the Environmental Impact Report certified by the City of Oakland on February 13, 2008 pursuant to the California Environmental Quality Act (CEQA), and accompanying the project staff recommendation as Exhibit 6.
4. ABAG shall provide documentation during the course of the project that the required project actions and mitigation measures have been implemented by or on behalf of the City of Oakland.”

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with the purposes and objectives of the San Francisco Bay Area Conservancy Program, Chapter 4.5 of Division 21 of the Public Resources Code, Sections 31160-31165.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines, last updated by the Conservancy on September 20, 2007.
3. The Conservancy has independently reviewed the Environmental Impact Report for the “City of Oakland Measure DD Implementation Project” certified by the City of Oakland on February 13, 2008 pursuant to CEQA and finds no substantial evidence that the project as proposed, and with the identified measures to avoid, reduce or mitigate the possible significant environmental effects, will have a significant effect on the environment.”

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**PROJECT SUMMARY:**

Staff recommends that the Conservancy authorize ABAG to disburse up to \$400,000 of the total Conservancy funds authorized on September 20, 2007 (up to \$3,000,000 to ABAG to develop and implement projects to extend the San Francisco Bay Trail, known as “SF Bay Trail Block Grant #4”) to the City of Oakland to construct two approximately 450-foot segments of the San Francisco Bay Trail along the Oakland estuary in Alameda County (Exhibits 1-2): the Cryer Boathouse segment (Exhibit 3) and the Derby Avenue to Lancaster Street segment (Exhibit 4).

The Cryer Boathouse Bay Trail segment will consist of a multi-use trail (18 feet wide, 450 feet long) with ramps accessible per the Americans with Disabilities Act (ADA-accessible) to ensure accessibility from the adjacent crosswalk, landscaping, a historic interpretive exhibit, and an ADA-accessible parking and staging area. When completed, the Cryer Boathouse segment will

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provide a continuous half-mile segment of the Bay Trail between the south end of Dennison Street and Union Point Park.

The Derby Avenue to Lancaster Street Bay Trail segment will consist of a 450-foot stretch of pile-supported concrete trail cantilevered over an existing rock slope, which will run behind the Oakland Museum Women's Board Warehouse, and an on-grade trail engineered on top of an existing sheet pile wall. Pile driving will be used to install this new segment. The design will incorporate landscaping, and site amenities will include vehicle barriers and interpretive signs.

Work for both segments will be completed in 2008.

**Site Description:** The Oakland waterfront section of the San Francisco Bay Trail is approximately 6.6 miles and runs from Jack London Square in the north to 66<sup>th</sup> Avenue in the south. This is the same portion of waterfront trail included in the City of Oakland's "Measure DD Implementation Project" (a 2002 bond measure). To date, 3.9 miles of trail have been completed between varying gaps.

The Cryer Boathouse segment is located along the Oakland estuary (to its west) at the corner of Embarcadero and Dennison Streets. This segment will connect Dennison Street/Coast Guard Island Bridge (to the north) to Union Point Park (to the south) (see Exhibits 2 and 3).

The Derby Avenue to Lancaster Street segment is also located along the Oakland estuary (to its southwest), and will connect the only streets between the Park Street and Fruitvale Bridges that terminate at the waterfront (see Exhibits 2 and 4).

**Project History:** The proposed project is a San Francisco Bay Trail project, and is thus consistent with and proposed for funding under the Conservancy's San Francisco Bay Trail Block Grant #4 authorization of September 20, 2007. The proposed project will also build on several previous Conservancy projects. First, it will be consistent with a 2001 Conservancy grant of \$400,000 to the City of Oakland and The San Francisco Bay Trail Project to plan and design a continuous bicycle and pedestrian pathway along the Oakland Estuary from Jack London Square to the Oakland International Airport, an approximately nine-mile stretch that encompassed the Measure DD Implementation Project area. That project resulted in the *Oakland Waterfront Trail: Bay Trail Feasibility & Design Guidelines* document. Secondly, the proposed project's Cryer Boathouse segment will create a link in the Bay Trail that connects to Union Point Park, for which the Conservancy has previously authorized \$2.2 million toward park planning, acquisition and construction.

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**PROJECT FINANCING:**

	<u>Cryer Boathouse</u>	<u>Derby Ave- Lancaster St</u>
Coastal Conservancy	\$200,000	\$200,000
CMAQ/STP (Federal Hwy Admin/Federal Transit Authority "Congestion Mitigation Air Quality Improvement Program funds")		599,000
To be raised	100,000	100,000
City of Oakland Measure DD	<u>1,594,000</u>	<u>1,473,000</u>
Total Project Cost	1,894,000	2,372,000

The Conservancy's contribution will consist of a portion of a \$3,000,000 Conservancy authorization of September 20, 2007, for SF Bay Trail Block Grant #4. Conservancy funds are anticipated to come from the "Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006" (Proposition 84). These funds are available for all the purposes of the Conservancy, including the San Francisco Bay Area Conservancy Program and are thus appropriate for the funding of improvements to the San Francisco Bay Trail.

**CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:**

The proposed project is consistent with Chapter 4.5 of Division 21 of the Public Resources Code, Sections 31160-31165 regarding San Francisco Bay Area projects.

Consistent with Section 31162(a), the Conservancy will award a grant to conduct a project (construction of two Oakland estuary bay trail segments) that will improve public access to and around the bay, and help complete a regional trail system (the San Francisco Bay Trail). Consistent with Section 31163(c), the proposed authorization will be used for funding an outdoor recreational project that is supported by an adopted regional plan (see the "Consistency with the San Francisco Bay Plan" section), serves a regional constituency, can be implemented in a timely way, and includes matching contributions from other sources of funding or assistance.

**CONSISTENCY WITH CONSERVANCY'S 2007  
STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):**

Consistent with **Goal 11, Objective E**, the proposed project consists of constructing two approximately 450-foot segments (approximately 0.2-mile, total) of the San Francisco Bay Trail.

Consistent with **Goal 11, Objective L**, the proposed project will include ADA-compliant elements such as ramps, parking and staging areas.

## **CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines, last updated on September 20, 2007, in the following respects:

### **Required Criteria**

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Support of the public:** See letters of support in Exhibit 5.
4. **Location:** The proposed project is located on the Bay Trail alignment, along the Bay shoreline.
5. **Need:** The proposed project could not be constructed absent Conservancy participation.
6. **Greater-than-local interest:** The Bay Trail is a regional trail network that will be approximately 500 miles in length when completed. This authorization will help further the completion of the trail, of which some 230 miles have been completed to-date.

## **CONSISTENCY WITH THE SAN FRANCISCO BAY PLAN:**

The proposed project is consistent with the applicable policies contained in Part IV, Development of the Bay and Shoreline: Findings and Policies, of the San Francisco Bay Plan adopted by the San Francisco Bay Conservation and Development Commission (BCDC) in January 2006.

Public Access Policy No. 8 states:

Access to and along the waterfront should be provided by walkways, trails or other appropriate means and connect to the nearest public thoroughfare where convenient parking or public transportation may be available. Diverse and interesting public access experiences should be provided which would encourage users to remain in the designated access areas to avoid or minimize potential adverse effects on wildlife and their habitat.

Consistent with Public Access Policy No. 8, the proposed project will provide a walkway along the waterfront (the Oakland Estuary) that connects to a public thoroughfare where convenient public transportation is available (the Jack London Square Area, accessible via AC Transit and the Bay Area Rapid Transit), and will provide a diverse and interesting public access experience (eventually, a 6.6-mile trail along the Oakland Estuary) that will encourage users to remain in designated public access areas.

Public Access Policy No. 10 states that federal, state, regional and local jurisdictions, special districts and the Bay Commission should cooperate to provide appropriately-sited, designed and managed public access, especially to link the entire series of shoreline parks, regional trail systems and existing public access areas to the extent feasible without additional Bay filling and

without significant adverse effects on Bay natural resources. Closing gaps between existing public access areas is a high priority for funding. The proposed project is consistent with this policy because it closes two more gaps in the Bay Trail.

### **COMPLIANCE WITH CEQA:**

In 2002, City of Oakland voters passed Measure DD, which authorizes the City to issue bonds to fund two types of activities or actions: those that would provide improved or new recreational opportunities for Oakland's citizens, and those that would improve water quality at Lake Merritt and creeks located throughout the City.

In order to comply with the California Environmental Quality Act (CEQA), the City prepared an Environmental Impact Report (EIR) for the "City of Oakland Measure DD Implementation Project." The City certified the EIR (Exhibit 6) on February 13, 2008 pursuant to CEQA, and filed the EIR (including payment of the filing fee per California Fish and Game Code Section 711.4) on April 3, 2008. The EIR analyzes the Measure DD Implementation Project activities in four groups. The two proposed Oakland Estuary Bay Trail segments that are the subject of this authorization are within Group 2, "Oakland Waterfront Trail and Access Improvements," which includes activities to close the gaps in a 6.6-mile portion of the Bay Trail between Jack London Square and 66<sup>th</sup> Avenue (as shown in Exhibit 2).

A Mitigation Monitoring and Reporting Program (MMRP) was also prepared based on the findings of the EIR and in compliance with Section 15097 of the *CEQA Guidelines*. The MMRP lists the mitigation measures recommended in the EIR, identifies mitigation monitoring requirements, and identifies the "responsible implementing parties" and the "monitoring parties."

Land Use. Although the EIR states that the Group 2 waterfront trail activities may result in a fundamental conflict between adjacent or nearby land uses, this potential impact is specifically associated with installation of the Hanson Aggregate Trail Connection, not the Cryer Boathouse or Derby-to-Lancaster segments that constitute the subject of this proposed authorization. The subject project as proposed will have no significant impacts associated with land use.

Planning Policy. The EIR states that policy conflicts in and of themselves, and in the absence of adverse physical impacts, are not considered to have significant effects on the environment. The subject project as proposed will have no significant impacts associated with planning policy.

Transportation, Circulation and Parking. The EIR analyzes two categories with respect to transportation, circulation and parking for the Group 2 waterfront trail activities: Traffic and Maritime Hazards, caused by the completed Bay Trail passing under the Park Street, Fruitvale Avenue and High Street bridges; and Alternative Transportation. The EIR concludes that the Group 2 waterfront trail activities will not cause or result in significant impacts to transportation, circulation and parking for several reasons. First, with respect to traffic hazards, trail activities will not conflict with vehicular circulation. Second, the U.S. Coast Guard and some in the marine shipping community (e.g., the International

Longshore & Warehouse Union) have raised concerns about the potential safety and feasibility of the waterfront trail being constructed under the bridges, particularly those at Park and High Streets. Therefore, to the extent feasible, the proposed trail segments passing beneath the bridges will not extend further into the channel than the existing bridge fenders, and trail segments will be kept as close to the shoreline as necessary to ensure public safety and not impede navigation. In recognition that the Coast Guard has permitting authority in these areas, the City has included street-level crossings as an alternative to under-bridge crossings. Third, the waterfront trail will not conflict with adopted policies, plans and programs supporting alternative transportation. Finally, the waterfront trail will enhance connectivity of bikeways and improve pedestrian facilities, thereby supporting alternative transportation. Therefore, the subject project as proposed will have no significant impacts associated with transportation, circulation and parking.

Air Quality. The EIR analyzes eight categories with respect to air quality for the entire Measure DD Implementation Project, and concludes that there will be no significant impacts to air quality as discussed below. Therefore, the subject project as proposed will have no significant impacts associated with air quality.

Consistency with the Air Quality Plan. The *2005 Ozone Attainment Strategy* is the Bay Area Air Quality Management District's (BAAQMD's) most recent plan for attaining California Ambient Air Quality Standards. Consistent with the projections used in this strategy, the Measure DD Implementation Project activities will not result in substantial increases in population and employment. Therefore, the Project will be consistent with regional air quality planning, and will not result in a significant cumulative impact to air quality.

Contribute to Air Quality Violation. The *2005 Ozone Attainment Strategy* addresses ozone and particulate matter (the City of Oakland is considered a non-attainment area for both), and is the air quality plan that applies to projects within the City of Oakland. The EIR states that construction activities would vary with each Measure DD Implementation Project component, but may include use of earthmoving equipment, water and pick-up trucks. Ground disturbance and the operation of motorized construction vehicles would incrementally increase ozone and particulate matter emissions in the region during the project construction period. Temporary, construction-period air quality impacts for all pollutants are considered less-than-significant if standard BAAQMD particulate matter control measures are implemented. The City will impose Standard Conditions of Approval for "Dust Control" and "Construction Emissions" (Nos. 17 and 18), which include the BAAQMD particulate matter control measures, thereby reducing potential air quality impacts from the Measure DD Implementation Project to a less-than-significant level.

Cumulative Increase of any Criteria Pollutant. Cumulative air quality impacts associated with criteria pollutants are evaluated based on quantified project-related air quality impacts and project consistency with local and regional air quality plans (the *Oakland General Plan* and the *2005 Ozone Attainment Strategy*). For the Measure DD Implementation Project, the EIR states that: (a) with respect to local air quality, future cumulative traffic conditions will not result in any violation of the carbon monoxide standard, and thus that there would not be a cumulative impact to local air quality; (b)

with respect to regional air quality, emissions of pollutants affecting regional air quality (ozone precursors and particulate matter) are predicted to be below the significant thresholds established by the BAAQMD, and thus would not result in a cumulatively considerable net increase. Therefore, potential cumulative impacts to air quality will be less-than-significant.

Exposure of Sensitive Receptors to Substantial Pollutant Concentrations.

Operation of project components constructed as part of the Measure DD Implementation Project will not generate pollutants and thus will not expose sensitive receptors (facilities that house or attract children, the elderly, people with illnesses or others who are especially sensitive to the effects of air pollutants) to substantial pollutant concentrations. Construction-related impacts will be less-than-significant with the application of BAAQMD particulate matter control measures as required by the City's Standard Conditions of Approval, which will be imposed as described above.

Objectionable Odors. Operation of project components constructed as part of the Measure DD Implementation Project will not generate objectionable odors. Although the waterfront trail may briefly bring people into proximity with industrial or transportation facilities that produce odors, exposures would be brief and affect a relatively small number of people on an occasional basis.

CO (carbon monoxide) Concentrations. Vehicular traffic associated with the Measure DD Implementation Project would emit CO into the air along roadway segments and near intersections, creating pockets of high CO concentrations ("hot spots"). The EIR analyzes 1-hour and 8-hour CO concentrations at 18 intersections in the Project area under "existing" and "existing plus Project" conditions, using U.S. Environmental Protection Agency, Caltrans and California Air Resources Board (CARB) methodology and data. Concentrations, individual and cumulative, were determined to be below federal and State CO standards, and thus at less-than-significant levels.

Regional Air Emissions. Regional air emissions are generated by land use development projects (aka "indirect sources"), primarily by the motor vehicle trips generated by the development projects. The Measure DD Implementation Project will not generate significant vehicle trips, and thus potential impacts to regional air emissions will be at a less-than-significant level.

Toxic Air Contaminants. The CARB has identified diesel engine particulate matter as a toxic air contaminant. Health risk assessments related to toxic air contaminants are based on a 70-year exposure period. The Measure DD Implementation Project will not locate sensitive receptors near facilities with substantial diesel exhaust or expose existing sensitive receptors to substantial diesel exhaust emissions, and will generate construction-related diesel exhaust on a temporary basis. Therefore, health risks due to toxic air contaminants will be less-than-significant.

Noise. The EIR analyzes eight categories with respect to noise for the entire Measure DD Implementation Project, and concludes that there will be no significant impacts related to noise as discussed below. Therefore, the subject project as proposed will have no significant impacts associated with noise.



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Operational Noise; Significant Interior Noise; Permanent Increase in Ambient Noise Levels; Land Use Compatibility Guidelines; Located Near an Airport; and Located Near a Private Airstrip. The EIR concludes that the Measure DD Implementation Project will not cause or result in significant impacts related to these categories because the Project: (a) will not violate the City of Oakland Noise Ordinance regarding operational noise because none of the Project components will create or develop any new noise-sensitive land uses or permanent noise sources that would exceed the maximum allowable receiving noise level standards for residential and civic land uses, commercial lands use or manufacturing land uses; (b) will not generate noise levels that would exceed the interior noise level standard for nearby multi-family dwelling units, hotels, motels, dormitories or long-term care facilities in the project component areas; (c) will not be a substantial source of noise during its normal operation, and the Group 2 waterfront trail activities will not generate any significant increase in traffic volumes and thus will not generate any significant increase in traffic noise levels; (d) will not conflict with the State's land use compatibility guidelines related to noise because it will not create or develop any new noise-sensitive land uses or permanent noise sources that would be incompatible with existing noise-sensitive land uses; and (e) will not expose people to excessive aircraft-related noise levels from the Oakland International Airport, the San Francisco International Airport or private airstrips because its components will not lie within specified noise-level contours.

Construction-Related Noise Impacts/Persistent Construction-Related Noise Impacts. The EIR states that most construction elements of the Group 2 waterfront trail activities include general trail improvements, landscaping, lighting and additional signage, and that these improvements are not expected to generate noise levels that would cause a significant impact on adjacent noise-sensitive land uses.

For those trail segments that require the use of pile drivers, including the Cryer Boathouse segment that is the subject of this authorization, construction-related noise could impact nearby noise-sensitive receptors, the closest being residential properties located on the northern shore of Alameda along the Oakland Inner Harbor Tidal Canal. To minimize this construction noise, the City will require application of its Standard Condition of Approval for "Pile Driving and Other Extreme Noise Generators" (No. 27), which requires implementation of a site-specific noise reduction program that is approved by the Planning and Zoning Division and the Building Services Division, and that requires (a) equipment and trucks to use best available noise control techniques, (b) quieter procedures than impact tools, such as drills, to be used whenever feasible; impact tools to be hydraulically- or electrically-powered whenever possible; and pneumatically-powered tools to use an exhaust muffler, and to use external jackets on the tools where feasible; (c) stationary noise sources to be located as far from adjacent receptors as possible, and to be muffled to the extent feasible; and (d) the noisiest phases of construction to be limited to fewer than 10 days at a time if feasible. The EIR concludes that noise-related impacts from those elements of the Group 2 waterfront trail activities that require use of pile drivers will be less-than-significant with application of Standard Condition of Approval No. 27.

Vibration. The EIR states that although construction-related activities including pile driving could temporarily expose persons in the vicinity of the proposed project

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construction areas to ground-borne vibration or ground-borne noise levels, compliance with the construction hours specified in the City's Noise Ordinance, and implementation of the City's Standard Conditions of Approval would avoid or reduce to a less-than-significant level potential ground-borne vibration. In addition, although the waterfront trail may bring people into proximity with transportation facilities that produce ground-borne vibration, such as railroad tracks, the trail will not cause frequent exposure to a substantial number of people.

Biological Resources. The EIR analyzes seven categories with respect to biological resources. As discussed below, the EIR concludes that with the application of mitigation measures, there will be no significant impacts associated with the Group 2 waterfront trail activities. Therefore, **with the implementation of Mitigation Measures BIO-2 and BIO-3**, the subject project as proposed will have no significant impacts associated with biological resources.

Riparian Habitat; Native Resident or Migratory Wildlife Movement, Wildlife Corridors or Nursery Sites; Regional Conservation Plans; Protected Trees; and Creek Protection Ordinance. These categories are not applicable to the Group 2 waterfront trail activities and/or the subject authorization sites.

Candidate, Sensitive, or Special-Status Species. Construction of the pile-supported boardwalks along the Waterfront Trail under the bridges at Park Street, Fruitvale Avenue and High Street may injure or kill fisheries resources (Pacific herring, federally-listed salmonids, essential fish habitat identified under the Magnuson-Stevens Act) within the Oakland Inner Harbor by generating intense underwater sound pressure. The proposed Derby-to-Lancaster trail segment is located just northwest of the Fruitvale Avenue Bridge (the proposed Cryer Boathouse trail segment is not located near any of the three bridges). To avoid significant adverse impacts to fisheries resources from pile driving under the bridges, **Mitigation Measure BIO-2** will be required, which specifies (a) that pile driving occur between June 1 to November 30 in accordance with National Marine Fisheries Service (NMFS) guidelines and (b) that pile driving proposed outside the June 1-to-November 30 period will require informal or formal consultation with the NMFS, for listed salmonids and essential fish habitat, and the California Department of Fish and Game (CDFG), for Pacific herring, prior to the Army Corps of Engineers' (ACOE's) issuance of a Section 404 permit for impacts to waters of the U.S. Implementation of this mitigation measure will reduce this potential impact to a less-than-significant level. As specified in the MMRP, the City of Oakland Project Delivery Division and construction contractor will be the "responsible implementing parties" and the City of Oakland Project Delivery Division will be the "monitoring party."

Wetlands. Construction of some components of the Group 2 waterfront trail activities, including pile-driving concrete piers for the boardwalks at Park Street, Fruitvale Avenue and High Street, may impact waters of the Oakland Inner Harbor, which are waters of the U.S. and the State. To avoid significant adverse impacts to waters of the U.S. and State, **Mitigation Measure BIO-3** will be required. Mitigation Measure BIO-3a requires obtaining authorization from appropriate regulatory agencies (ACOE, CDFG, Regional Water Quality Control Board (RWQCB), Bay Conservation and Development Commission) prior to commencing any Measure DD-funded activities

within jurisdictional waters. Mitigation Measure BIO-3b requires that impacts to jurisdictional wetlands be mitigated at a minimum replacement ratio of 1:1; if feasible, that replacement habitat be located in the same general area as the impacted habitat; off-site mitigation be approved if the amount of replacement habitat exceeds that which is available near the impact site; a wetland mitigation and monitoring plan be developed for each mitigation site, detailing the mitigation design, wetland planting design, adaptive management, maintenance and monitoring requirements, reporting requirements, and success criteria for the created/replacement habitat. As specified in the MMRP, the City of Oakland Project Delivery Division will be the “responsible implementing party” and the “monitoring party.” Implementation of this mitigation measure will reduce this potential impact to a less-than-significant level.

Cultural Resources. The only potentially-significant cultural resource associated with the two subject proposed trail segments is the former Cryer & Sons Boatyard/Boat Builder, which, among other activities, maintained and repaired Coast Guard yachts during and after World War II. However, this site is not considered significant under the Historic Preservation element of the City’s General Plan. Therefore, the project as proposed will have no significant impacts on cultural resources.

Hydrology and Water Quality. The EIR analyzes six categories with respect to hydrology and water quality for the entire Measure DD Implementation Project. As discussed below, the EIR concludes that with the application of mitigation measures, there will be no significant impacts associated with the Measure DD Implementation Project. Therefore, **with the implementation of Mitigation Measure HYD-1**, the subject project as proposed will have no significant impacts on hydrology and water quality.

Water Quality. The EIR concludes that there will be no significant impacts to water quality (relating to standards or discharge requirements) from the Group 2 waterfront trail activities because: (a) during the construction phase, the City will require compliance with existing City and RWQCB programs and ordinances to protect beneficial uses of receiving waters; for project components that will disturb more than one acre of land, the City will require implementation of a Stormwater Pollution Prevention Plan; and for project components that will disturb less than one acre of land, the City’s Municipal Code prohibits activities that will result in the discharge of pollutants to Oakland’s waterways or the damaging of creeks, creek functions or habitat; and (b) during the operation period, these project components will lie within areas served by hardened stormwater conduits or that have low potential for erosion; and they would incorporate site design and landscaping that maximizes infiltration, provides retention or detention, slows runoff and minimizes impervious land coverage.

Groundwater Supplies and Recharge; Flooding; Degrade Water Quality; Seiche, Tsunami or Mudflow; and Creek Protection Ordinance. The EIR concludes that the Measure DD Implementation Project will not cause or result in significant impacts related to these categories because: (a) the Project does not propose any groundwater pumping, will not increase the amount of impervious surface, and will possibly increase infiltration and groundwater recharge via installation of new landscaping features; (b) Project components will be located outside the floodplain or designed to improve flood water conveyance and channel stability; (c) the Group 2 waterfront trail activities are a type of

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land use that is not particularly susceptible to impacts associated with sea level rise (do not include houses, schools or critical facilities); (d) the City will require creek protection permits consistent with its Creek Protection Ordinance where applicable.

Degrade Water Quality. Hundreds of groundwater wells were located in the East Bay Plain for general water supply. Many were not properly abandoned, not fitted with an effective sanitary seal when constructed, or have seals that have been damaged since installation. If any of these wells are encountered and/or damaged during implementation of the activities funded under Measure DD, surface water potentially containing pollutants could seep into the wells and the underlying aquifer, thereby degrading water quality. To avoid significant adverse effects on water quality, **Mitigation Measure HYD-1** will be required. This measure requires that any existing wells discovered during the implementation of Measure DD-funded activities shall be either (a) properly abandoned in compliance with the California Department of Water Resources California Well Standards and Alameda County Environmental Health Department requirements prior to final approval of the grading plan; or (b) inspected by a qualified professional to determine whether each well is properly sealed at the surface to prevent infiltration of water-borne contaminants into the well casing or surrounding gravel pack. If the wells are found not to comply with California Well Standards (which require an annular surface seal of at least 20 feet), then the City shall retain a qualified well driller to install the required seal. As specified in the MMRP, the City of Oakland Project Delivery Division and construction contractor will be the “responsible implementing parties” and the City of Oakland Project Delivery Division will be the “monitoring party.” Implementation of this mitigation measure will reduce this potential impact to a less-than-significant level.

Geology, Soils and Seismicity. The EIR analyzes nine categories with respect to geology, soils and seismicity for Group 2 waterfront trail activities, and concludes that there will be no significant impacts as discussed below. Therefore, the subject project as proposed will have no significant impacts associated with geology, soils and seismicity.

Fault rupture; Strong seismic ground shaking; Seismic-related ground failure, including liquefaction, lateral spreading, subsidence, collapse; Landslides; Erosion; Expansive soils and differential settlement. The EIR concludes that there will be no significant impacts associated with these categories because the Group 2 waterfront trail activities: (a) are not located adjacent to any known active or potentially-active faults; (b) will not involve residential structures; (c) will be subject to Standard Condition of Approval for “Geotechnical Report” (No. 48), which requires a site-specific design-level Landslide or Liquefaction geotechnical investigation for each construction site; (d) will be subject to Standard Condition of Approval for “Erosion and Sedimentation Control (When no grading permit is required)” (No. 24), which requires implementation of best management practices to reduce erosion, sedimentation and water quality impacts during construction to the maximum extent practicable; and (e) will be subject to Standard Condition of Approval for “Erosion and Sedimentation Control Plan” (No. 43), which requires a grading permit where applicable, the application for which shall include an erosion and sedimentation control plan.

Well, pit swamp, mound; tank vault, or unmarked sewer line; Be located above landfills for which there is no approved closure and post-closure plan, or unknown fill

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soils, creating substantial risks to life or property; and Soils incapable of adequately supporting the use of septic tanks. These categories are not relevant to Group 2 waterfront trail activities.

Hazards and Hazardous Materials. Environmental site investigations have been completed for several sites that are part of the Group 2 waterfront trail activities, including the subject Cryer Boathouse and Derby-to-Lancaster (part of the 66<sup>th</sup> Avenue Gateway) segments. At the Cryer Boathouse segment site, various site assessments have identified the presence of metallic slag, soil contaminated with slag, and soil contaminated with petroleum hydrocarbons and metals. A final Corrective Action Plan has been approved by the RWQCB, and calls for excavating approximately 3,250 cubic yards of slag and contaminated soil and capping the site with clean soil and/or concrete design elements. Prior to issuing permits to construct the proposed project, per its Standard Condition of Approval No. 52 regarding “Environmental Site Assessment Reports Remediation,” the City will ensure that site remediation is completed under the oversight of applicable state and local regulatory agencies.

At the Derby-to-Lancaster segment site, various site assessments have concluded that (a) the locations where petroleum hydrocarbons and metals were detected at concentrations at or in excess of the RWQCB’s environmental screening levels appear to be small, isolated areas; (b) arsenic, total chromium and lead were detected in surface soil at levels in excess of regulatory agency action levels or background levels, and are therefore of potential concern; and (c) no metal was detected at a concentration that would characterize it as California hazardous waste based on total concentration, although additional characterization would be required to evaluate soluble metals concentrations.

The EIR analyzes seven categories with respect to hazards and hazardous materials for Group 2 waterfront trail activities, and concludes that there will be no significant impacts as discussed below. Therefore, the subject project as proposed will have no significant impacts associated with hazards and hazardous materials.

Routine transport, storage, use or disposal of hazardous materials; Upset and accident conditions involving hazardous materials releases during construction. The EIR concludes that there will be no significant impacts associated with these categories because the Group 2 waterfront trail activities will not create a significant increase in the routine transport, storage, use or disposal of hazardous materials following their construction, nor create the need to store hazardous materials on site; and will be constructed in accordance with the following Standard Conditions of Approval: (a) No. 62 regarding a “Stormwater Pollution Prevention Plan,” which requires implementation of said plan; (b) No. 25 regarding “Hazards Best Management Practices,” which requires construction best management practices to prevent misuse of hazardous materials; (c) No. 56 regarding a “Health and Safety Plan Per Assessment,” No. 62 regarding a “Stormwater Pollution Prevention Plan” and No. 68 regarding “Site Review by the Fire Services Division,” all of which would include preparation of an emergency response plan; and (d) No. 50 regarding “Phase I and/or Phase II Reports” and No. 52 regarding “Environmental Site Assessment Reports Remediation,” which require submission of reports to the Fire Prevention Bureau’s Hazardous Materials Unit, and address implementing the remedial actions.

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Emit hazardous emissions or use acutely hazardous materials within one-quarter mile of an existing or proposed school; Hazardous materials sites; Aviation hazards; Emergency Response Plan/Emergency Evacuation Plan; and Wildland Fires. The EIR concludes that there will be no significant impacts associated with these categories because the Group 2 waterfront trail activities: (a) will not cause a significant increase in hazardous materials emissions or use of acutely hazardous substances within one-quarter mile of an existing or proposed school; (b) will be consistent with the height restrictions associated with proximity to the Metropolitan Oakland International Airport; (c) will be located near a designated City of Oakland emergency evacuation route (thoroughfares that parallel the Oakland Harbor and San Leandro Bay, including East 6<sup>th</sup> Street/East 7<sup>th</sup> Street/East 8<sup>th</sup> Street/East 12<sup>th</sup> Street, Embarcadero and San Leandro Street); and (d) will be located outside of the City of Oakland Wildfire Prevention District area of designated “high fire hazard areas.”

Public Services and Recreation. The EIR analyzes four categories with respect to public services and recreation from all activities proposed to be funded under Measure DD, and concludes that there will be no significant impacts as discussed below. Therefore, the subject project as proposed will have no significant impacts associated with public services and recreation.

Police Services; Fire Protection Services; Adversely impact parks or recreation facilities because of increased demand; and Require construction or expansion of recreational facilities that would have an adverse impact on the environment. The EIR concludes that there will be no significant impacts associated with these categories because the Group 2 waterfront trail activities: (a) will not create or promote activities that would demand police services; (b) will not increase demand for fire protection services; (3) will not increase demand for park services because they will not involve construction of new residential or commercial spaces; and (d) will construct or otherwise improve recreational facilities in existing parks and developed urban areas.

Utilities and Infrastructure. The EIR analyzes eight categories with respect to utilities and infrastructure from all activities proposed to be funded under Measure DD, and concludes that there will be no significant impacts as discussed below. Therefore, the subject project as proposed will have no significant impacts associated with utilities and infrastructure.

Exceed water supplies available to serve the project; Exceed wastewater treatment requirements; Exceed wastewater treatment capacity; Require or result in construction of new stormwater drainage facilities; Be served by a landfill with insufficient permitted capacity; Violate applicable regulations related to solid waste; Violate applicable regulations relating to energy standards; Result in a determination by the energy provider which serves the project that it does not have adequate capacity. The EIR concludes that there will be no significant impacts associated with these categories because the Group 2 waterfront trail activities: (a) will not create a significant demand for water supply services; (b) will not generate wastewater that would cause wastewater treatment requirements to be exceeded; (c) will have no impact on wastewater; (d) will be located in areas that are already developed, and thus will not substantially increase stormwater flows; (e) will not generate significant amounts of solid waste, nor require construction or expansion of landfill facilities; (f) will not violate applicable federal, State or local

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statutes and regulations governing solid waste; (g) will have no impact on energy; and (h) will be located in areas already served by PG&E, and will not require or result in construction of new energy facilities or expansion of existing ones.

Aesthetic Resources. The EIR analyzes four categories of potential impacts with respect to aesthetics from all activities proposed to be funded under Measure DD, and concludes that there will be no significant impacts as discussed below. Therefore, the subject project as proposed will have no significant impacts associated with aesthetic resources.

Have a substantial adverse effect on a scenic vista; Substantially damage scenic resources, including but not limited to trees, rock outcroppings and historic buildings within a state- or locally-designated scenic highway; Substantially degrade the existing visual character or quality of the site and its surroundings; and Create a new source of substantial light and glare which would substantially and adversely affect day or nighttime views in the area. The EIR concludes that there will be no significant impacts associated with these categories because the Group 2 waterfront trail activities: (a) will benefit the visual setting of the Oakland Estuary through the planting of new native vegetation, removal of trash, and creation of landscaped trails and public access viewing points that increase the visibility of the scenic portion of the estuary; will improve the visual quality of the shoreline; and install lighting where it will not substantially reduce nighttime views. The EIR concludes that the project as proposed will have no significant impacts on aesthetic resources, but it could also be concluded that the project as proposed will have a significant beneficial impact on aesthetic resources.

Based on the foregoing, Conservancy staff concludes that the proposed project as mitigated, and as additionally tracked as required in the MMRP, poses no potential for significant environmental impacts. Accordingly, staff recommends that the Conservancy find that the Conservancy has independently reviewed and concurs with the EIR prepared and adopted by the City of Oakland on February 13, 2008, and concludes that there is no substantial evidence that the Conservancy project, as mitigated, may have a significant effect on the environment. Staff will file a Notice of Determination upon the Conservancy's approval of the project.